

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

EDSON TORO

v.

C.A. No. 05- 455 T

STEPHEN REGINE, Assistant Attorney General,
PATRICIA COYNE-FAGUE, and **A.T. WALL**,
Director, Rhode Island Department of Corrections.

ORDER

Edson Toro, *pro se*, has filed a Complaint pursuant to 42 U.S.C. § 1983 alleging that the named defendants are confining him beyond the expiration date of his criminal sentence. Mr. Toro avers that his sentence expired on August 1, 2005, and that the Rhode Island Department of Corrections, after consulting with Mr. Toro's criminal prosecutor, "recalculated" the term of confinement to exclude certain good-time credit. Mr. Toro avers that his sentence now expires February 10, 2006. Accordingly, this Court will construe the instant matter as a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 and/or 28 U.S.C. § 2254.

IT IS HEREBY ORDERED:

1. The Attorney General of the State of Rhode Island is hereby designated a party respondent to the instant matter.

2. The Attorney General of the State of Rhode Island is hereby **ORDERED** to file a Response to the instant petition for a writ of habeas corpus within **five (5) days** of the date of this Order.



Jacob Hagopian
Senior United States Magistrate Judge
November 8, 2005